

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARCHER AND WHITE SALES, INC.,

Plaintiff,

V.

HENRY SCHEIN, INC., DANAHER
CORPORATION, INSTRUMENTARIUM
DENTAL INC., DENTAL EQUIPMENT
LLC, KAVO DENTAL TECHNOLOGIES,
LLC, DENTAL IMAGING
TECHNOLOGIES, CORPORATION,
PATTERSON COMPANIES, INC., BENCO
DENTAL SUPPLY CO.,

Defendants.

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CIVIL ACTION NO. 2:12-CV-00572-JRG

ORDER

Before the Court is Plaintiff Archer and White Sales, Inc.’s (“Archer”) Motion to Compel Patterson Companies, Inc. (“Patterson”) to Produce Investigation Materials and Respond to Interrogatories (“Motion”). (Dkt. No. 228). The Motion moves the Court order production of various government investigation materials related to anti-trust investigations involving Patterson and to order Patterson to respond to interrogatories which Patterson has declined to respond to since the deadline for their response fell outside of the discovery period by six calendar days.

Having considered the Motion, the Court is of the opinion that the Motion should be **GRANTED-IN-PART** and **CARRIED-IN-PART** as set forth herein.


“Rule 33, like other discovery rules, should be given broad, liberal interpretation, but, as under other discovery rules, trial court has reasonable discretion whether to allow discovery under

Rule 33.” *Bell v. Swift & Co.*, 283 F.2d 407, 409 (5th Cir. 1960). The Court **GRANTS** the Motion as to the interrogatories and **ORDERS** Patterson answer the October 23, 2017, interrogatories within seven (7) calendar days of the issuance of this Order. The Discovery period is reopened and extended, as necessary, for this single purpose.

The Court **CARRIES** the remainder of the Motion until the Initial Pretrial Conference, currently set before the undersigned for March 13, 2018 at 9:00 AM.

So Ordered this

Feb 20, 2018



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE